



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,739	04/10/2000	David A. Block	MYTEP002	2486

22434 7590 10/31/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,739

Applicant(s)

Block et al.

Examiner

Stephan Willett

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 26, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4-5 6) ☐ Other:

Art Unit: 2141

DETAILED ACTION

Title Change

1. Pursuant to MPEP 606.01, the title should be changed to provide a complete and detailed description of the invention.
2. Also, the applicant is requested to update the status of copending applications.

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergh et al. with Patent Number 6,112,186 in view of Feldman with Patent Number 6,154,741.

Art Unit: 2141

6. Regarding claim(s) 1, 12, 18, 23, Bergh teaches a information filtering based in a communication network. Bergh teaches a first information area personal to the user (col. 3, lines 23-24). Bergh teaches overlaying information areas between another area and the user's information area (col. 3, lines 26-28). Bergh teaches facilitating new member invitations that a non-member can accept (col. 26, lines 58-63 and col. 27, lines 29-43) and advertisements to users to join a group with a common interest, col. 31, lines 39-43 based on users with multiple profiles, col. 28, lines 43-46 and lines 49-51 via various mediums such as email, col. 26, lines 18-19. Bergh teaches determining member access based on their relationships such as a new member's access based on their relation with a member (col. 31, lines 39-67 and col. 7, lines 54-58). Bergh teaches the invention in the above claim(s) except for explicitly teaching access levels between members. In that Bergh operates to filter and categorize information the artisan would have looked to the information technology arts for details of implementing information access constructs. In that art, Feldman, a related network information base, teaches "'accessors' are entities which request access to, and are generally entitled to some kind of access to, objects or resources in the system" in order to meter out data and this may be based on whether they are a member of a group or not, col. 7, lines 45-47. Feldman specifically teaches "the named groups are used to specify which accessors have access to which information", col. 5, lines 24-26 and col.. 7, lines 45-52. Access levels based on membership relations and groupings are taught.. Further, Feldman "there is generally a one-to-one correspondence between each addressable membership information slot in the membership map and each accessor in the accessor data storage", col. 5, lines 26-29 in order to provide limited access to data. The motivation to

Art Unit: 2141

incorporate relationship access levels insures that appropriate recipients only receive information. Thus, it would have been obvious to one of ordinary skill in the art to incorporate relationship access levels as taught in Feldman into the information database described in Bergh because Bergh operates with access levels of information and Feldman suggests that based on the level of information different access relations needs to be controlled. Therefore, by the above rational, the above claims are rejected.

7. As to claims 2, 13-15, Bergh teaches community areas based on areas of topical interests, col. 6, lines 62-64.

8. As to claims 3, Bergh teaches a topical area of interest such as sports activities, col. 1, lines 28-32.

9. As to claims 4, Bergh teaches a message center, col. 26, lines 18-19.

10. As to claims 5, 16, Bergh teaches a weight identifier to determine an access level, col. 11, lines 36-37.

11. As to claims 6, 17, Bergh teaches a weight code, col. 11, lines 44-48.

12. As to claims 7-8, 19, Bergh teaches rejecting or accepting memberships, col. 28, lines 57-59.

13. As to claims 9, 20, Bergh teaches member home pages, col. 26, lines 43-47.

14. As to claims 10, 21, Bergh teaches group membership within a community area in which a user belongs, col. 10, lines 29-31.

15. As to claims 11, 22, Feldman teaches organization groups or classes to which a member belongs, col. 13, lines 52-56.

Art Unit: 2141

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the Lan et al., Grasso et al. and Linden et al. references with Patent Numbers 5,867,700; 5,892,909; and 6,266,649 is suggested. The other references cited teach numerous other ways to associate data relations, thus a close review of them is suggested.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

October 21, 2002

A handwritten signature in black ink, appearing to read 'LH LUU', with a long horizontal line extending to the right.

LE HIEN LUU
PRIMARY EXAMINER